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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

**SUZANA VUCAK,**

Plaintiff,

v.

**DANVILLE SERVICES OF  
OREGON, LLC**, a foreign limited  
liability company,

Defendant.

**Civil No.: 3:14-cv-818**

**COMPLAINT**

**Fair Labor Standards Act  
(29 U.S.C. §§ 201 *et seq.*)  
Oregon Wage and Hour Laws**

**DEMAND FOR JURY TRIAL**

**I. INTRODUCTION**

1. This action is brought by Suzana Vucak ("Plaintiff"), a former employee of Danville Services Corp. ("Defendant"), to collect unpaid overtime wages and statutory damages

for work she caring for a disabled adult.

2. Defendant violated the Fair Labor Standards Act (29 U.S.C. §§ 201 *et seq.*, “FLSA”). Plaintiff seeks redress in the form of unpaid wages and liquidated damages.

3. Defendant did not pay Plaintiff overtime wages to which she was entitled pursuant to Oregon wage and hour law. Plaintiff seeks redress in the form of unpaid and penalty wages.

## II. JURISDICTION

4. Jurisdiction is conferred on this Court by 29 U.S.C. § 216(b), as this action arises under the Fair Labor Standards Act, 29 U.S.C. §§ 201, *et seq.*; and 28 U.S.C. § 1337, as it arises under acts of Congress regulating commerce.

5. Pursuant to 28 U.S.C. § 1367, this Court has supplemental jurisdiction of the claims based on Oregon law, as they are so related to claims within the Court’s original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.

## III. PARTIES

6. Plaintiff Suzana Vucak is a resident of Vancouver, Washington in Clark County.

7. Defendant Danville Services Corp., is a Utah foreign business corporation registered in Oregon and doing business in Portland, Multnomah County, Oregon.

## IV. FACTS

8. Defendant Danville Services Corp. provides services to people with intellectual and developmental disabilities in the Portland metro area, and surrounding communities, including providing live-in care services.

9. Defendant employed Plaintiff to care for one of its adult clients in the Portland area.

10. Defendant is an enterprise engaged in interstate commerce under the FLSA.

11. Plaintiff worked caring for Defendant’s client during the approximate period of July 1, 2008 through August 20, 2013.

12. Defendant contracted with Plaintiff to pay Plaintiff on an hourly rate basis of 12 dollars per hour.

13. Plaintiff worked caring for Defendant's client during the days and through the nights and regularly worked in excess of 40 hours per week in providing care for Defendant's client.

14. Defendant did not to compensate Plaintiff for all the overtime work she performed on behalf of the Defendant.

15. Defendant regularly did not compensate Plaintiff at a rate of time and one half for every hour she worked over forty each week.

#### V. CLAIMS FOR RELIEF

##### (First Claim—Violation of FLSA)

16. In violation of 29 U.S.C. § 207, Defendant failed to pay Plaintiff at a rate of time and one half for her overtime hours.

17. Defendant's nonpayment of overtime pay was willful.

18. Pursuant to 29 U.S.C. § 216, Plaintiff is entitled to her unpaid overtime wages, plus an additional, equal amount as liquidated damages, and to reasonable attorney fees and costs.

##### (Second Claim—Violation of Oregon Overtime Law)

19. In violation of O.R.S. § 653.261 and its implementing regulations, Defendant failed to pay Plaintiff at a rate of time and one half for her overtime hours. Plaintiff is entitled to her unpaid overtime wages.

20. Plaintiff is entitled, under O.R.S. § 653.055, to recover penalty damages in an amount equal to 240 times her hourly wage rate, and to reasonable attorney fees and costs, for non-payment of overtime wages.

##### (Third Claim—Violation of Oregon Law for Timely Payment of Wages)

21. Defendant failed to pay Plaintiff all of her wages when due upon termination of her employment within the time specified in O.R.S. § 652.140.

22. The failure of Defendant to pay Plaintiff all of her wages upon termination of employment was willful.

23. Plaintiff is entitled, under O.R.S. § 652.150, to recover penalty damages in an amount equal to 240 times her hourly wage rate, and to reasonable attorney fees and costs, for Defendant's failure to pay her wages upon termination.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court grant him the following relief:

1. Award Plaintiff her unpaid overtime wages pursuant to 29 U.S.C. § 207 and liquidated damages pursuant to 29 U.S.C. § 216(b);
2. Award Plaintiff her unpaid overtime wages pursuant to Oregon overtime law, O.R.S. § 653.261, and penalty wages in the amount of 240 times Plaintiff's average hourly wage pursuant to O.R.S. § 653.055;
3. Award Plaintiff penalty wages in the amount of 240 times Plaintiff's average hourly wage pursuant to O.R.S. § 652.150;
5. Award Plaintiff reasonable attorney fees and costs under 29 U.S.C. § 216(b), ORS 652.200(2), and ORS 653.055(4);
6. Award Plaintiff pre-judgment interest on Oregon claims and post-judgment interest;
7. Award Plaintiff such other relief as this Court deems just and proper.

Respectfully submitted this 16<sup>th</sup> day of May, 2014.

s/ Corinna Spencer-Scheurich  
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Attorney for Plaintiff